



Civil Rights
QUESTIONS
&
ANSWERS

Michigan
Department of Civil Rights

Michigan law prohibits discrimination in employment, education, housing, public accommodation, law enforcement or public service based on religion, race, color, national origin, age, sex, marital status, height*, weight*, arrest record*, familial status** or disability.

**** in employment only***

***** in housing only***

What civil rights are guaranteed by Michigan law?

Michigan law, Public Act 220 (the Persons With Disabilities Civil Rights Act) and Public Act 453 (the Elliott-Larsen Civil Rights Act), prohibits discrimination in employment, education, housing, public accommodation, public service and law enforcement on the basis of religion, race, color, national origin, sex, age, weight, height, marital status, disability or arrest record.

However, the ability of a person with a disability to perform a job, or utilize facilities which cannot be reasonably altered, can legally be considered.

The Michigan Department of Civil Rights accepts complaints based on any of the forms of discrimination covered in Public Acts 220 and 453 as amended.

How do I file a complaint?

A complaint may be filed at any of the Michigan Department of Civil Rights offices if the alleged act of discrimination has occurred within the past 180 days, or the past 300 days if the complaint is filed with both the department and Equal Employment Opportunity Commission (EEOC). The complaint must be in writing and notarized. If the alleged discrimination is of a continuing nature, and one of the acts of discrimination occurred within the last 180 days, you may be able to include those charges in your complaint as well.

It will facilitate the process, but is not necessary, for the claimant to provide the department with written records supporting the allegations of discrimination and the names, addresses and telephone numbers of witnesses with first hand information of the alleged discrimination.

Department colleagues receive and investigate complaints of discrimination, and provide referrals

and education and outreach. They can answer questions concerning the protections guaranteed by law. Translators are also available.

What happens to complaints?

Many complaints are resolved during informal resolution attempts. However, if the complaint cannot be resolved, and there is evidence supporting the claimant's allegations, the respondent is invited to a conciliation conference in an effort to resolve the issues. If the matter cannot be resolved at this level, the department may issue a charge and schedule a full public hearing.

The Michigan Civil Rights Commission has the power to order appropriate remedies, including measures to prevent future occurrences, after a finding of unlawful discrimination at a public hearing.

I am a woman who was originally hired as a secretary for a state-wide firm. For the last year, I have had to assume the responsibilities of agency coordinator, replacing a man who had been promoted. This position has always been occupied by men. Even though I have all the qualifications to be promoted and have proven I can handle the work, I am still classified and paid as a secretary. What are my rights?

Your right is "equal pay for equal work," which is covered by the Equal Pay Act of 1963 and the Elliott-Larsen Civil Rights Act. These laws call for equal pay for equal work on jobs which require equal skill, effort and responsibility, and are performed under similar working conditions. If your employer's refusal to promote you is because you are a woman, then the employer is in violation of civil rights laws. Your classification and rate of pay must be based completely on job related factors, not your sex.

What is the law regarding pregnancy and sex discrimination?

It is unlawful for an employer to treat pregnant workers differently in hospitalization or health insurance plans, sick leave for any illness or disability, or income for temporary disability. Pregnancy must be treated like any other temporary disability under an existing plan. Persons who believe they have been denied employment or equal benefits should contact the Michigan Department of Civil Rights.

I am a female factory worker. My work has always been rated high, but my supervisor constantly stops me to check the bolts in my apron by reaching into the apron and feeling around. He never checks the bolts in the men's aprons. When I protest, he tells me he has to check on me and if I continue to complain, I'll lose my job. What can I do?

Document these incidents; notify your supervisor, in writing, to stop; and report this behavior to others and to his superior. Your supervisor's actions are a form of sexual harassment. Both federal and state civil rights laws agree that sexual harassment is sex discrimination. Therefore, it violates Title VII of the 1964 Civil Rights Act and Michigan's Elliott-Larsen Civil Rights Act. You can file a complaint if these actions don't stop, and you are protected by civil rights law from any form of retaliation for filing a discrimination complaint.

After making dinner reservations and arriving on time at the restaurant, I was forced to wait until other guests were seated. Finally, I stopped the host to ask about the delay. He claimed he thought I was waiting for someone

to join me. When I stated I was dining alone, he explained that serving unescorted, single women was against the restaurant's policy. Does this policy violate my civil rights?

It certainly does. The restaurant's policy is in violation of Michigan's Elliott-Larsen Civil Rights Act, which prohibits discrimination in public accommodations. Not only is this a discriminatory violation based on sex, but also on marital status. This statute makes it clear that your patronage of a place of public accommodation cannot be denied or discouraged based upon sex or marital status. This statute does not pertain to private clubs, unless they are licensed by the state of Michigan under the Liquor Control Act.

I recently received my degree in elementary education and have been seeking employment as a teacher. I was just turned down for a job, even though my education and student teaching experience fit the job requirements. I was told that I would not be able to adequately handle the required duty of playground recreation leader because I use a wheelchair. My ability to handle regular classroom activities was never discussed. I think their reason for refusing to consider me for employment was unreasonable, don't you agree?

The answer to what is "reasonable" is the key to this problem. Michigan's Persons With Disabilities Civil Rights Act requires employers to make *reasonable* accommodations for people with disabilities who are qualified employment applicants. If adaptive aides or devices can be used to enable a person with a disability to perform the job requirements, then refusing to hire this person because of a disability is a violation of civil rights laws.

The law defines a person with a disability as someone with a substantial limitation of a major life activity. An employer may not refuse to hire, discharge or classify an employee on the basis of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

My wife and I, who are Black, recently purchased a home. We had narrowed our choices down to two homes. We didn't get the house we wanted. From the first time we saw the listing of that house, the real estate agent began attempts to discourage our interest in it. At first we persisted, but this agent did everything he could to keep us from seeing this house. At one appointment, the agent showed up without the keys, and another time he didn't even show up. We finally gave up. We didn't know until later that this house was in an all White neighborhood. Is it possible we were victims of housing discrimination and didn't know it?

Numerous studies have shown that a large number of housing discrimination incidents go unreported because the victims don't know that discrimination has occurred. You could have been the victims of "racial steering." This occurs when a person's choices are restricted by someone's words or conduct, which tends to perpetuate racial segregation in housing patterns and discourage integration. The act of racial steering is a violation of Title VIII of the U.S. Civil Rights Act of 1968 and Michigan's Elliott-Larsen Civil Rights Act.

The law also prohibits owners of rental property from advertising preferences such as sex or age. A complaint can be filed against owners of rental property who deny equal opportunities. However, tenants may indicate a preference of gender when looking for roommates.

I am a person who is blind and uses a guide dog. I have been looking for an apartment in a specific area of town that would allow me to be close to school. All of the places that I have applied for have turned me down because they do not allow dogs in their apartments. Is this right in view of my disability?

No, this is not right. Although landlords have the right to restrict pets from their properties, special provisions can be made to allow tenants to have pets. According to Michigan's Persons With Disabilities Civil Rights Act, you cannot be denied housing opportunities because of your use of an "adaptive aid or device." A guide dog is considered an adaptive aid. Making arrangements to allow you to keep a guide dog in an apartment would be a reasonable accommodation on the part of the landlord. This applies to all places of accommodation, including shopping malls, restaurants and movie theaters.

I have lived in this apartment building for more than three years. My landlord just gave me notice to move because he wants to change his apartments to "adults only." I have two children, and we do not want to move. Do we have any rights?

Yes, you do have rights in this matter. Federal and state law prohibit discrimination in housing because of age and family status. Family status refers to one or more individuals under the age of 18 residing with a parent or legal custodian. However, federal law and the Elliott-Larsen Civil Rights Act do allow owners of rental property to designate residential units for senior citizens.

Is it legal for an employer to ask about my citizenship?

Federal law prohibits employer inquiries relating to citizenship. State and federal law both prohibit discrimination because a person “looks foreign” or “has an accent.” To avoid discrimination based on national origin and citizenship, questions such as, “Are you a citizen of the United States?” should be asked after an individual has been hired, even if it is related to the federal immigration (I-9) process.

I am a 20-year-old man who recently applied for a job as a salesperson in an art gallery. The manager told me that her customers prefer older, more mature employees, and she refused to hire me. When I said this was age discrimination, she responded that the law only protects older workers. Is this true?

Yes and no. The employer is correct about the federal law. The ADEA only protects workers above 40 years of age from discrimination. However, Michigan’s Elliott-Larsen Civil Rights Act does provide protection based on chronological age. Outside of any conflicts with laws such as Child Labor Law, State Liquor Law, or Age or Majority Law, you cannot be denied employment because of age, unless the employer can prove that an exemption on the basis of age is a business necessity. In situations such as yours, courts have ruled that customer preference does not constitute a business necessity. Most coverage begins at age 18.

I’m employed at a medium sized machine shop. I just turned 65 this year and I am the only person in the shop over 40. I’ve never missed a day for illness and I’ve always met my production standards. My employer has been treating me differently than other workers for the past

year. The last incident was when I was ordered to get a physical checkup every three months if I wanted to keep working there. The other workers were not required to do this and we all have similar jobs. Is something happening here?

It's called age discrimination. If you have this requirement for physical checkups and the other workers don't, and you don't have a known health condition necessitating this requirement, then the action of your employer constitutes a difference in the terms of your employment. Based upon your situation it is possible that this difference of treatment is based upon your age. If so, these actions would violate both the Federal Age Discrimination in Employment Act (ADEA) if there are 20 or more employees at your shop, and the Elliott-Larsen Civil Rights Act, which prohibit age discrimination in the terms or conditions of employment.

I recently applied for a job at a local restaurant. On the application, it asked about my arrest record. Is this legal?

It is illegal for employers, except law enforcement agencies, to inquire about arrests which did not result in conviction during pre-employment inquiries. The Elliott-Larsen Civil Rights Act also prohibits employers from making inquiries regarding applicants' height or weight.

** Some exceptions may apply to the cases listed here. Please contact the Michigan Department of Civil Rights for more information.

Michigan Department of Civil Rights

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